

AMENDED IN SENATE MARCH 16, 1998

SENATE BILL

No. 1524

Introduced by Senator Alpert

February 10, 1998

An act to amend Sections 1596.866 and 1797.191 of the Health and Safety Code, relating to child care, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1524, as amended, Alpert. Child care centers: training.

Existing law requires that at least one director or teacher at each day care center and each family day care home licensee have a minimum number of hours of training in preventive health practices. The training requirements can be satisfied through courses offered by an institution approved by the Emergency Medical Services Authority, or by obtaining a pediatric first aid card issued by the American Red Cross.

This bill would ~~require training in adult CPR in addition to pediatric CPR, and would~~ permit courses by approved institutions to satisfy the above training requirements. The bill would ~~also~~ require the Emergency Medical Services Authority to establish minimum standards for the required training courses and would authorize the director of the authority to deny, suspend, or revoke approval for a training program on the occurrence of certain events that pose an imminent threat to the public health and safety.

This bill would ~~provide~~ *declare* that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1596.866 of the Health and
2 Safety Code is amended to read:
3 1596.866. (a) In addition to any other required
4 training, at least one director or teacher at each day care
5 center, and each family day care home licensee who
6 provides care shall have at least 15 hours of training on
7 preventive health practices. The training shall include
8 the following components: (1) pediatric ~~and—adult~~
9 cardiopulmonary resuscitation (CPR), (2) pediatric first
10 aid, (3) a preventive health practices course that includes
11 instruction in the recognition, management, and
12 prevention of infectious diseases, including
13 immunizations, and prevention of childhood injuries. The
14 training may include instruction in sanitary food
15 handling, child nutrition, emergency preparedness and
16 evacuation, caring for children with special needs, and
17 identification and reporting of signs and symptoms of
18 child abuse.
19 (b) Day care center directors and licensees of large
20 family day care homes shall ensure that at least one staff
21 member who has a current course completion card or
22 certificate in pediatric first aid, pediatric ~~and—adult~~ CPR,
23 and the preventive health practices course issued by a
24 training program that has been approved by the
25 Emergency Medical Services Authority pursuant to this
26 section and Section 1797.191 shall be onsite at all times
27 when children are present at the facility, and shall be
28 present with the children when children are offsite ~~of~~
29 *from* the facility for facility activities. Nothing in this
30 subdivision shall be construed to require, in the event of
31 an emergency, additional staff members, who are onsite
32 when children are present at the facility, to have a
33 current course completion card or certificate in pediatric
34 first aid, pediatric ~~and—adult~~ CPR, and the preventive
35 health practices course.

1 (c) All personnel and licensees described in
2 subdivision (a) shall complete 15 hours of preventive
3 health practices training as described in subdivision (a)
4 on or before ____, and completion of the health
5 training shall be a condition of licensure.

6 (1) The department shall issue a provisional license for
7 otherwise qualified applicants who are not in compliance
8 with this section. This provisional license shall expire 90
9 days after the date of issuance and shall not be extended.

10 (2) A notice of deficiency shall be issued by the
11 department at the time of a site visit to any licensee who
12 is not in compliance with this section. The licensee shall,
13 at the time the notice is issued, develop a plan of
14 correction to correct the deficiency within 90 days of
15 receiving the notice. The facility's license may be
16 revoked if it fails to correct the deficiency within the
17 90-day period. Section 1596.890 shall not apply to this
18 paragraph.

19 (d) Completion of the training required pursuant to
20 subdivisions (a) and (b) shall be demonstrated, upon
21 request of the licensing agency, by the following:

22 (1) Current pediatric ~~and adult~~ CPR, pediatric first
23 aid, and preventive health practices cards issued by the
24 Emergency Medical Services Authority from a training
25 program that has been approved pursuant to Section
26 1797.191.

27 (2) In addition to training programs approved by the
28 Emergency Medical Services Authority, training
29 programs or courses in pediatric first aid, pediatric ~~and~~
30 ~~adult~~ CPR, and preventive health practices offered or
31 approved by an accredited educational ~~institution or the~~
32 ~~Commission on Teacher Credentialing~~ *institution* are
33 considered to be approved sources of training that may
34 be used to satisfy the pediatric first aid, pediatric ~~and~~
35 ~~adult~~ CPR, and the preventive health practices training
36 as defined in subdivision (a). Completion of this type of
37 training shall be demonstrated to the licensing agency by
38 a certificate of course completion or certified copies of
39 transcripts that identify the number of hours and the

1 specified course on courses taken for the training as
2 defined in subdivision (a).

3 (e) The training required under subdivision (a) shall
4 not be provided by a home study course. This training
5 may be provided through in-service training, workshops,
6 or classes.

7 (f) All personnel and licensees described in
8 subdivision (a) shall maintain current, unexpired course
9 completion cards issued by the Emergency Medical
10 Services Authority for pediatric ~~and adult~~ CPR, pediatric
11 first aid, and preventive health practices, or a certificate
12 or transcript from an accredited educational institution
13 ~~or the Commission on Teacher Credentialing~~ in
14 accordance with subdivision (d).

15 (g) The department shall have the authority to grant
16 exceptions to the requirements imposed by this section in
17 order to meet the requirements of the Americans with
18 Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

19 (h) The department and the Emergency Medical
20 Services Authority shall adopt regulations to implement
21 this section.

22 SEC. 2. Section 1797.191 of the Health and Safety
23 Code is amended to read:

24 1797.191. (a) The authority shall establish minimum
25 standards for the training in pediatric first aid, pediatric
26 ~~and adult~~ cardiopulmonary resuscitation (CPR) and the
27 preventive health practices course that is required by
28 Section 1596.866.

29 (b) The authority shall establish a process for the
30 ongoing review and approval of training programs in
31 pediatric first aid, pediatric ~~and adult~~ CPR, and the
32 preventive health practices courses to ensure that those
33 programs meet the minimum standards established
34 pursuant to subdivision (a). The authority shall charge
35 approved training programs a fee for student course
36 completion cards equal to its costs incurred for review
37 and approval of the pediatric first aid, pediatric ~~and adult~~
38 CPR, and the preventive health practices training
39 courses, and for the ongoing review and approval of these
40 programs.

1 (c) Training programs are defined as the programs
2 that apply for and are approved by the authority to do the
3 pediatric first aid, pediatric ~~and—adult~~ CPR, or the
4 preventive health practices course training as defined in
5 this division. Training programs shall issue course
6 completion cards purchased from the Emergency
7 Medical Services Authority to all individuals who
8 complete their pediatric first aid, pediatric ~~and—adult~~
9 CPR, or the preventive health practices courses. Training
10 programs include all affiliated programs that are also
11 providing any of the authority-approved training
12 required in this division. Affiliated programs are those
13 programs that are either overseen by individuals or
14 organizations that have an authority-approved pediatric
15 first aid, pediatric ~~and—adult~~ CPR, or the preventive
16 health practices course training program, or who have
17 purchased an authority-approved pediatric first aid,
18 pediatric ~~and—adult~~ CPR, or the preventive health
19 practices course training program. Training programs
20 and their affiliated programs shall comply with the
21 provisions in this division and with the regulations
22 promulgated by the authority pertaining to the pediatric
23 first aid, pediatric ~~—and—adult~~ CPR, or the preventive
24 health practices course training programs.

25 (d) The director of the authority may, in accordance
26 with regulations adopted by the authority, deny, suspend,
27 or revoke any approval issued under this division or may
28 place any approved program on probation, upon the
29 finding by that director of an imminent threat to the
30 public health and safety as evidenced by the occurrence
31 of any of the actions listed in subdivision (e).

32 (e) Any of the following actions shall be considered
33 evidence of a threat to the public health and safety, and
34 may result in the denial, suspension, probation, or
35 revocation of an application for approval or any approved
36 program issued under this division.

37 (1) Fraud.

38 (2) Incompetence.

39 (3) The commission of any fraudulent, dishonest, or
40 corrupt act which is substantially related to the

1 qualifications, functions, and duties of training program
2 directors and instructors.

3 (4) Conviction of any crime which is substantially
4 related to the qualifications, functions, and duties of
5 training program directors and instructors. The record of
6 conviction or a certified copy of the record shall be
7 conclusive evidence of such conviction.

8 (5) Violating or attempting to violate, directly or
9 indirectly, or assisting in or abetting the violation of or
10 conspiring to violate, any provision of this division or the
11 regulations promulgated by the authority pertaining to
12 the review and approval of training programs in pediatric
13 first aid, pediatric ~~and adult~~ CPR, and the preventive
14 health practices course.

15 (f) In order to ensure that adequate qualified training
16 programs are available to provide training in ~~adult CPR~~
17 ~~and~~ the preventive health practices course to all persons
18 who are required to have that training by ____, the
19 authority may, after approval of the Commission on
20 Emergency Medical Services pursuant to Section 1799.50,
21 establish temporary standards for training programs for
22 use until permanent standards can be adopted pursuant
23 to Chapter 3.5 (commencing with Section 11340) of Part
24 1 of Division 3 of Title 2 of the Government Code.

25 (g) Persons who, prior to ____, have completed a
26 ~~course in adult CPR and~~ the preventive health practices
27 course and have a current certificate or course
28 completion card for such a course; shall be deemed to
29 have met the requirement for training in that subject if
30 the course they took meets the requirements established
31 by the authority pursuant to this section and that course
32 is subsequently approved by the authority .

33 (h) Persons who prior to ____ have completed
34 courses in pediatric first aid and pediatric CPR, and have
35 a current course certificate or course completion card for
36 such a course, shall be deemed to have met the
37 requirements for that specific training. When those
38 current course certificates or cards are expired, those
39 persons shall renew their course certificates through an
40 authority-approved training program.

1 SEC. 3. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or
3 safety within the meaning of Article IV of the
4 Constitution and shall go into immediate effect. The facts
5 constituting the necessity are:

6 In order to meet the requirement of this new law that
7 all child day care facility personnel be trained in
8 ~~authority-approved—adult—CPR—and—the~~ *the*
9 authority-approved preventive health practices course
10 by ____ standards must first be developed to ensure
11 that the training received meets certain uniform health
12 and safety standards in accordance with the mechanisms
13 provided for by this act. In order for the standards to be
14 developed and the training to be provided by ____ it
15 is necessary that this act take effect immediately.

